IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17379 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHINGALA RINKUBEN DAMJIBHAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 17379 of 2003

MR DP KINARIWALA for Petitioner No. 1

MS NANDINI JOSHI, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE M.S.SHAH

Date of decision: 15/12/2003

ORAL JUDGEMENT

Rule. Ms Nandini Joshi, learned AGP is directed to waive service of Rule on behalf of the respondents.

2. The petitioner had applied for admission to the PTC course. The admissions to the PTC course are granted through the Centralized Admission Committee under the Directorate of Primary Education. The interviews were scheduled for 2.11.2003, but the petitioner received the interview call letter on 6.11.2003. According to the

petitioner, since she had come across the newspaper advertisement for interviews on 2.11.2003, the petitioner approached the interviewing authority, but she was informed that since she did not have a call letter, her case cannot be considered. It appears that on 7.11.2003 itself, the petitioner approached a Member of the Legislative Assembly who requested the Director of Primary Education to consider the petitioner's case sympathetically as the petitioner had received the interview call letter after the date of interview. However, the authorities pleaded their inability to consider the petitioner's case on the ground that even if the individual call letter had reached the petitioner late, atleast there was a newspaper advertisement informing the candidates in general that the students with specified percentage of marks at the qualifying examination were required to remain present at the interviews.

3. The learned counsel for the petitioner has submitted that the petitioner had obtained 81% of marks at the qualifying examination and there was no worthwhile reason for the petitioner not to go for the interviews on the date scheduled. It is further submitted that persons with less merit have been granted admissions and, therefore, the respondent authorities be directed to give admission to the petitioner.

4. Ms Nandini Joshi, learned AGP for the respondents has opposed the petition and submitted that once the newspaper advertisement was given, the interviewing authority is prepared to issue duplicate call letter. In any case, no exception is required to be made in case of the petitioner or any such candidate, otherwise there will be no finality and the interview committee will have to permit a number of students who may choose not to appear on the date on which their interviews are scheduled, but they will choose to appear on the subsequent dates.

5. Having heard the learned counsel for the parties, in the first place the Court would take judicial notice of the fact that admissions to PTC course are very much sought after. Generally a candidate would not like to remain absent on the date of interview. In the instant case, the petitioner, residing in a far flung village in Jetpur Taluka of Rajkot District, had obtained 81% of marks at the qualifying examination and the Court is inclined to accept her version that she had received the interview call letter after the date of interview. In fact, the petitioner has stated that the petitioner had

approached the authorities on 2.11.2003 itself, but the petitioner was not granted any interview because she did not have the interview call letter. This statement of the petitioner is not admitted by the respondent authorities and Ms Joshi, learned AGP states that ordinarily the interview committee issues duplicate call letters on the date of interview in case candidate remains present with a grievance that individual call letter was not received by him/her.

Some controversy is sought to be raised as to whether the petitioner had remained present on 2.11.2003 and a reference is made by Ms Joshi to the letter dated 7.11.2003 at Annexure "B" to contend that the petitioner had not actually remained present before the interview committee on 2.11.2003.

It appears that much more is being read in the letter than what it warrants. All that the said letter has conveyed is that the misfortune of the interview committee not considering the petitioner's case was on account of late receipt of interview call letter after the date of interview.

6. In the facts and circumstances of the case, it appears to the Court that the interests of justice require that the respondents be directed to consider the petitioner's case for admission to PTC course within one week from the date of receipt of this order if the candidates with less mark than the petitioner have been granted admissions. It goes without saying that the petitioner's case will be considered for the vacancies available as on the date of interview.

It is directed accordingly.

The petition is allowed in the aforesaid terms.

7. Since the respondent authorities had taken care to publish the newspaper advertisement for informing the candidates at large about the date of interview, it appears to the Court that the petitioner may be saddled with costs of this petition quantified at Rs.1000/- (Rs. One thousand only) which shall be paid to the respondents within one week from today.

8. Rule is made absolute to the aforesaid extend.

Direct Service is permitted.

(M.S. Shah, J.)

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